

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:) Chapter 11
)
FORREST LAIDLEY,) No. 04 B 40186
)
Debtor.) Judge Goldgar

FINAL PRETRIAL ORDER

This matter is set for hearing on the motion of certain creditors for appointment of a chapter 11 trustee at the United States Courthouse, 219 South Dearborn Street, Room 613, Chicago, Illinois on December 6, 2004, at 10:30 a.m. At the court's discretion, the hearing will continue from day to day until completed. Unless modified by the court, the following provisions will govern the course of proceedings in this case:

1. **Continuances.** No continuance of the hearing date will be granted except for good cause shown. Any motion for continuance must be presented, with proper notice, at least ten (10) days before the hearing date.

2. **Responses to the Motion.** Parties opposing the motion are given leave to file responses on or before November 24, 2004.

3. **Exhibits and Exhibit Lists.** On or before December 1, 2004, all parties must exchange and file with the court copies of all exhibits to be introduced into evidence. Each proposed exhibit must be clearly numbered in the order of its probable presentation at the hearing. Each document must be given a separate exhibit number.

In addition to the exhibits, all parties must exchange and file with the court a list of the numbered exhibits. Next to each exhibit a brief description of each exhibit must be provided.

One (1) set of the exhibits and two (2) copies of the exhibit list must be filed with court.

If no written objection to an exhibit is filed with the court and tendered to the proponent within seven (7) days of the receipt of the proposed exhibit, the exhibit will be deemed admitted into evidence.


4. Witnesses and Witness Lists. On or before December 1, 2004, all parties must exchange and file with the court a list of all witnesses they intend to call at the hearing, together with a brief description of the subject matter of the witness's testimony.

5. Compliance with this Order. Failure to comply with this Order *will* result in the imposition of appropriate sanctions pursuant to Rule 16(f), Fed. R. Civ. P. 16(f) (made applicable by Fed. R. Bankr. R. Rule 7016). These include, but are not limited to, the following:

- a. Any exhibit not listed and exchanged in accordance with this Order will not be admitted into evidence. A party who fails to exchange and file the list of exhibits that this Order requires will be precluded from introducing any exhibits into evidence. *In re Maurice*, 21 F.3d 767 (7th Cir. 1994).
- b. Any witness not identified and listed in accordance with this Order will be barred from testifying at the hearing. A party who fails to exchange and file with the court the list of witnesses that this Order requires will be barred from presenting any witnesses. *In re Maurice*, 21 F.3d 767 (7th Cir. 1994).
- c. Any legal claim, theory or argument not raised and thoroughly discussed in the motion and responses will be deemed waived. The claim will not be considered, and no evidence relevant to it will be admitted. *SNA Nut Co. v. Haagen-Dazs Co.*, 302 F.3d 725 (7th Cir. 2002).

6. Service. A copy of this order shall be sent by regular mail to all counsel, as well as counsel for the U.S. Trustee.

Dated: November 10, 2004

ENTER: 
A. Benjamin Goldgar
United States Bankruptcy Judge